

CHAPTER NO. 52

HOUSE BILL NO. 2118

By Representatives Patton, Davis

Substituted for: Senate Bill No. 2035

By Senator Crowe

AN ACT to amend Chapter 135 of the Acts of 1903; as amended by Chapter 35 of the Private Acts of 1993; and any other acts amendatory thereto, relative to the recorder and the city judge of the Town of Jonesborough.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 135 of the Acts of 1903; as amended by Chapter 35 of the Private Acts of 1993; and any other acts amendatory thereto, is amended in Section 3 by deleting the word "Recorder" wherever it appears and substituting instead the words "City Administrator".

SECTION 2. Chapter 135 of the Acts of 1903, as amended, is further amended by deleting Section 7 in its entirety and substituting instead the following:

That the Board of Mayor and Aldermen shall appoint a recorder who shall be the head of the department of finance; and the recorder shall be under the supervision and subject to the at-will removal of the city administrator. The recorder shall receive a salary to be fixed by the Board of Mayor and Aldermen and shall be bonded in such amount as may be provided by ordinance. The recorder shall by his signature and the town seal, attest all instruments signed in the name of the town. The recorder shall have power to administer oaths.

It shall be the duty of the recorder to be present at all meetings of the Board of Mayor and Aldermen and to keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form.

The recorder shall have custody of and preserve in the recorder's office, the town seal, the public records, original rolls of ordinances, ordinance books, minutes of the Board of Mayor and Aldermen, contracts, bonds, title deeds, certificates and papers, all official indemnity or surety bonds (except the recorder's own bond, which shall be filed with the Mayor) and all other bonds, oaths and affirmations and all other records, papers and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof.

The recorder shall provide, and, when required by any office or person, certify copies of records, papers and documents in the recorder's office and charge therefor, for the use of the town, such fees as may be provided by ordinance; and shall cause copies of ordinances to be printed, as may be directed by the Board of Mayor and Aldermen, and kept in the recorder's office for distribution.

The recorder, as head of the department of finance, shall exercise a general supervision over the fiscal affairs for the town, and general accounting supervision over all the town's property, assets and claims, and the disposition thereof. The recorder shall be the general accountant and internal auditor of the town; shall have custody of all papers, records and vouchers relating to the fiscal affairs of the town, and the records in the recorder's office shall show the financial operations and condition, property, assets, claims and liability of the town, all expenditures authorized and all contracts in which the town is interested.

The recorder shall be the treasurer of the town; as such, it shall be the recorder's duty to collect, receive and receipt for the taxes and all monies, other revenues and bonds from all departments of the town, and the proceeds of its bond issues, and to disburse the same.

The recorder shall also perform any other duties as may be required by the Board of Mayor and Aldermen or by the city administrator.

In the temporary absence or disability of the recorder, the assistant recorder, if such position be established, or another employee within the finance department designated by the city administrator, shall serve as acting recorder.

SECTION 3. Chapter 135 of the Acts of 1903, as amended, is amended by deleting Sections 7(a), 7(b) and 7(c) in their entirety and substituting instead the following:

Section 7(a).

(1) There shall be a city court presided over by a city judge or judges appointed by the board or elected as provided in Section 7(c).

(2) The board may, by ordinance, appoint or create the position for election as provided in Section 7(c), a second city judge or assistant city judge as it deems necessary.

(3) The city judges shall have jurisdiction in and over all cases for the violation of, and all cases arising under, the laws and ordinances of the municipality.

Section 7(b).

(1)

(A) Where the city judges are appointed, the city judges shall have the qualifications and receive the compensation and have the term, if any, the board may provide by ordinance.

(B) The board may appoint the General Sessions Court Judge of the county or counties in which the municipality lies to act as a city judge.

(C) Whenever the office of city judge is not filled by the appointment of some other person, the city recorder shall be the city judge.

(2) In the absence or disability of a city judge, the Mayor may designate a qualified person to serve as city judge or may designate the General Sessions Court Judge of the county or counties in which the municipality lies to be acting city judge until one can be appointed at the next regularly scheduled meeting of the board, or as otherwise provided by ordinance.

Section 7(c).

(1) The board may require, by ordinance, that the city judges meet the constitutional qualifications and be elected in the same manner as judges of an inferior court. Constitutional provisions applicable to judges of inferior courts shall apply to the elected judges. In addition to jurisdiction over the violation and alleged violation of municipal ordinances, a city judge elected pursuant to this subdivision is vested with concurrent jurisdiction and authority with courts of general sessions, as set forth in title 40, in all cases of the violation or alleged violation of the criminal laws of this state within the limits of the municipality.

(2) If an elected city judge is unable, temporarily, to preside over city court for any reason, then the judge shall appoint any General Sessions Judge of the county or counties within which the municipality lies to sit in the judge's place. If no General Sessions Judge is available, then the city judge shall appoint an attorney, meeting the same qualifications as a General Sessions Judge, to sit temporarily.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of the Town of Jonesborough. Its approval or nonapproval shall be proclaimed by the presiding officer of the Town of Jonesborough and certified to the secretary of state.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 6.

PASSED: May 22, 2003


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 6th day of June 2003


PHIL BREDESEN, GOVERNOR